App F IX 4

File No 40 47

1947 48

(mil)

Serial Nos 47-57

Previous References
Ml 134-31 (1-3)
" 75-37 (7 8)
" 117-35 (1 7)
Later References 39-38 (30 41)

GENERAL AND REVENUE SECRETARIAT

Serial Nos five

Part B for Sept 47

SUBJECT

Appeal of Mr J Deviah for being appointed a President of the Salem municipality

K 9251 8/12/47

To

The compiler rep. orders the removal of the disqualification on Mr J Deviah

Appeal of Mr S Devaraja for his appointment as Vice President of Seringapatam

Continuation Sheet File No / Current No of Page

Petition of 11/4/1944 received from Mr S Devaraja, Land Holder, Seringapatam, praying that the disqualification preventing him from standing for election as Vice President may be removed

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1) Orders of the Minister for H.S. & P.A. on the petition – The connected record may be put up with a note on the matter

Dated H.C.
14/4/44
Dated C.N.S.
26/4/44

2) Submitted with the previous files Mr S Devaraj, who was the Vice President of the Seringapatam Town Municipality in 1936 was found to have misappropriated temporarily the rent he had received from messrs Haji Habeeb Haji Peer Mahomed Sait & Co of Mysore for a room in the Municipal Office at Seringapatam which he had let out to them unauthorisedly. He was accordingly ordered to be removed from the office of the Vice President of the Municipality for misconduct in the discharge of his duties under section 23(11) of the Town Municipalities Act (No 27 of 1936) This removal was also noticed in Note of 13-5-1936

3) In the byeelection held on 16/12/1937, Mr Devaraj secured election & when the name was submitted for the approval

or

Appeal petition of m/s Devaki, Landlord
Conjeevaram

Continuation Sheet | File No / Current No | of | Page

of fact. It was held that the removal from Vice Presidentship did not debar him from becoming a municipal councillor & his election was duly approved & notified 4) In June 1939, m/s Devaraja applied for a reconsideration of the orders removing him from the office of Vice-President & on a consideration of all the facts of the case, he was informed that the removal was under Sec 23(11) of the Town Municipalities Act for misconduct in the discharge of his duties, rule 2 of the election rules for the election of Presidents & Vice Presidents operates as a bar to his standing for election as a Vice President again

5) Mr Devaki has now again applied for a reconsideration of the orders already passed. He prays that as the amount collected was credited to the Treasury on the same day, there was no misappropriation & that as the orders removing him were passed about 8 years back, the disqualification need not be one which may be waived. There is no new point raised by him.

6) Rule 2 of the election rules is very clear when once a person is removed from the office of President or Vice President for misconduct, he becomes permanently disabled

Appeal petition of Mr S Devaraja Iyengar Lawyer Corporation

Continuation Sheet | File No / Current No | of | Page 6688

disabled from standing for election for the post vice Mr. 10 & 14 of the notes thereon and file 39-38 (30 & 41)

7) Submitted for orders - Number orders of Corporation 'Lawyer' from 7/5/44 1/5/44

8) Submitted

1-5-44

9) What are the rules obtained in Bombay and in the matter may be put up

3 5 44

Mr. S. N. Agarwal from

Submitted.

10) Under Section 15 (1) (a) (iv) of the Bombay Municipal Act, 1901 the Governor in Council is empowered by an order, to relieve a Municipal Councillor from disqualification arising on account of removal from office

11) The above applies to the case of a municipal councillor disqualified by conviction, The same provision may be held to apply to the case of a vice president also then the Govt of Mysore has got powers to revoke its order and reinstate Mr S Devaraja as vice-president, or the Govt is empowered to relieve Mr S Devaraja from disqualification arising on

Library for kindly putting up Municipalities Acts of Bombay and Madras presidency-cities and also Municipal Corporation by Mr P Sooryanarayana Iyengar

King 8/5/44 & R/S Library

They may be taken after furnishing acknowledgement in the Library Register

Mrs 25/5/44 S/Clerk Bombay Corpn

Kum 20/5/44

Tank MS

account of removal from office
The Madras Mun Municipalities Act does not contain any provision in this respect (The Madras District Municipalities Act, 1920, The Laws of Municipal Corporations in British India - P D Aiyangar)
The Law Section of the Secretariat may also be consulted

HA 3/6 1., Please put up the connected file 134-31-2 leading to the issue of G.O. no L 3798 dated 14/19 11.1931

for 7/9/1931

Submitted

The required file (No 134 31 3) is put up (Vide para 14 supra)

DR 12/9 2. Kind reference is invited to the notes in the file 134-31-1703

The several paragraphs 9 to 14 thereof deal with the practice obtaining in the several provinces in British India

1) The question of meeting the rule now found in the rules relating to the election of Presidents & Vice Presidents was discussed at a meeting of the Standing Committee for Local Self Govt on 28 10 1931

into 3 bags
for
2 sm

When it was agreed that a rule of the kind was necessary in order to keep out undesirable persons

18 Mr S Derrick was removed under Sec 23(11) of the Ins of this Act from his membership for misconduct in the discharge of his duties in the year 1936 more than 5 years ago Under rule 2 of the rules relating to the conduct of elections of Presidents Vice Presidents & Councillors, here disqualified to stand as a candidate the only steps that the disqualification may be removed so as to enable him to stand for election as President or Vice President of a Club

19 No person during which the disability caused by the removal under Sec 23 (11) operates against the persons specified has been mentioned Wherein It cannot perhaps be the intention of the Legislature that the disability should operate permanently Even the disqualifications mentioned in Sec 12 (1) (a) (i) to (iv), (iv) to (v) would be removed under the provisions of this Act

a forfeiture period as specified
in that section of the Act
having regard to the spirit of the
Legislature, it means that the
disability imposed by the removal of
the member under section 23 (11)
would operate only so long as the
Bill at which he was a member
would be in existence and would
perish lapse with the termination of the
present Rule 1 (A) & rule 2
framed for the election of President &
Vice President would be inapplicable
to apply it for all time
either a period during which the
disability would operate may be fixed
if the rule cannot altogether be deleted
) Since the rule in question was framed
in the year 1952 in accordance with
the opinion of the Standing committee for
Law &c, it is for orders of the
opinion of that committee may not
be obtained again if it is thought
necessary to amend the rule in question -
1) In order with respect to para 9 supra. 1952

Law Dept 12/5/52

A

22) A may be done Meeting
may be called for early
Mr Secretary

Law 13 9 52

Continuation Sheet | File No 66887/L / Current No | of | Page

23) In this Office letter No' L 2882 of 2-10-44, the members of the Six Non official members of the Standing Committee for D.P.S.P were requested to send before 15-10-44, a list of subjects, if any, which they would desire to be placed before the Committee, to be held in the first week of Nov, 1944 The D P S P and the Senior Surgeon were also requested to send a list of similar subjects

24) Except Smt Sumangalamma the other non official members, have not responded The Senior Surgeon has stated that he has no subjects to suggest The D P S P has not yet replied.

25) A list of subjects based on the available information, is put up (Flag Z)

26) The date of the Meeting has also to be decided

18/10 27) Submitted to the Minister for in person discussions

28) Flag up for early

Sd/-

29 The other members of the Committee have not yet furnished a reply

30) This will be put up during the first week of December, 1944

9/11 31) Please put this up on 5th

17 Nov

Resubmitted

17/11

66856 / 152
44

Continuation Sheet. File No / Current No of Page

Subject with reference to paras 20 & 22 supra.

33) With regard to the subject the Committee for L S Dr & P has resolved at its meeting held on 12-5-66 as follows

that the rules relating to the subject be so amended as to enable such persons standing for election as President or Vice-President of the Municipal Concerned, able to the two consecutive terms of the Municipal Council of which he may have been a member at the time of such reconstitution" A

34) As the resolution amounts to the amendment the existing rules the Legislation branch may perhaps be consulted in the matter

Submitted for orders

6/7 35) Pl put up a printed copy of the rules regulating the election of Presidents & vice presidents of Municipalities

Mr Meena

Submitted a copy 7/2 36) The Legislative branch will be requested to furnish a draft of the revised rule in accordance with the resolution of the B

Serial No

Committee for L. & S. & P.W. reports at — A Supra

3) The rules to be amended are noted at pages 43 and 45 of the copy of the Rules which Brabazon is to get

[illegible] 7/11/47

39) Ger. Please Consult Law Section

[illegible] 8/12/47

f. 11/2

45) Re town [illegible] Sec Reg Law Section [illegible] 10/12/47

41) Rule 2 of the Rules regulating the election of Vice-Presidents of Town Municipal Councils, states that no person may be a candidate if he has at any time been removed from the office of President or Vice-President for misconduct in the discharge of his duties This disqualification under Sec 23(11) of the Town unicipalities Act does not appear to be intended to operate permanently It is proposed to amend the rule (Fl V) so as to remove the disqualification after ~~the~~ two consecutive terms of the Municipal Council of which he may have been a member at the time of such reconstitution This quarter to restrict the disqualifications to one term or two terms of the Council ~~appears to be~~ an administrative matter However, an amendment appears to be necessary

4584

(Law Secy)

(Asst Secy L & P.W.)

42) f. 14/2

f. 18/2 8th 1948

NOTE—Cortn Sheet

~~The legislation branch may be consulted as suggested~~

The Legislative Branch may be requested to favour the administrative Branch with a draft amendments to the rules A B & C in Flags I, O & B respectively so as to satisfy the requirements of the resolution passed by the standing committee for Legislation on 2/3/46 (Flag V)

received from 24/8/47

44 Draft amendments appear to be necessary and will, if approved, be obtained from the Leg Branch

Minister for Rev & Cons) Ltr 3 of 3 from 1/4/47

45 Ltr 1/4 to 14

No 8946
Date 1/4/1947

46) In favour of necessary action (vide para 4 3-44 Secretariat Notes)

Legis Branch) from 9/4/47

3/4 TWDV

47) It is submitted that rules under enactments are framed by the administrative section

WD 03814—C PB—15 000—20 7 46

Serial No

in the first instance and thereafter sent to the Legis Branch for Scrutiny 48/ If approved, the file will be returned to the administrative section for necessary action in this behalf

2W 3/4/47 49/ This may be returned to the L S & G Branch for framing of Rules & then sending the file to this Branch for Scrutiny

BVN 3/4 49/as Asst Secy L S & G WTC) for 3/4

50/ The following proviso may perhaps be added at the end of rule 1 of the rules issued for the election of President & Vice Presidents of Dun Hpmin MC es in notn no L 3797/ml/34—31—1 dt 19 11 1931 and

flag P

flag O

L 3798/ml/34—31—2 dt 19-11-1931

"Provided that the disqualification in sub clause (1) shall cease to operate after the expiry of six years from the date of removal from office"

A

Contn Sheet

File No 6866/2 of 1946 | General and Revenue Secretariat

Serial No

51) The period of five years appears however to be too long but it has been inserted in view of the resolution of the Standing Committee that such person may be debarred from standing for election for two consecutive terms of the municipal council

52) For favour of stating if the insertion of the above proviso as proposed above would meet the requirements of the case in accordance with the resolution of the Standing Committee for Legislation

53) Reference para 44, 45, 47 & 48 of the Minutes

Asst Secy (WE) for Legis Branch 31/7/47

54) The Proviso will ensure that the disqualification will terminate after a period of time since the removal from office may be at any time during the term of a Municipal Council, a period of 6 years may, in some cases operate beyond two consecutive terms for instance if a vice President is removed from office at the

Serial No

Very end of the term, the disqualification will operate during that term, the next term of the Council and for some time in the third term also On the other hand a shorter period prescribed in the Proviso may result in the disqualification being removed before two terms as where the disqualification is incurred at the very beginning of a term the actual Period for which the disqualification should remain is for the administration Section to decide

(Law Secy) 5/8/47

(Asst Secy Legs Dept) (Dy Secy) 5/8/47

66) The proposed insertion of the Proviso as in Para 5 above will prevent any ambiguous case as explained in Paras 6 & 7 supra Therefore the insertion of the following Proviso added at the end of rule 1 of the rules issued for the election of Presidents & Vice-Presidents of District Minor Municipal Councils in notifications dated 19 11 31, would perhaps meet the requirements of the case, in accordance with the needs of the standing committee for L S G & P W

Provided that the disqualification in sub clause (1) shall cease to operate after the two consecutive terms of the Municipal Council of which he may have been a member at the time of his removal from the office

8/8

NOTE—Contn Sheet

Serial No

57) In view of the remarks expressed at para 54 supra by the Law Deptt, at no for orders as to whether the rule as proposed at A or B above may be adopted. There would be a great amount of deputation in existing the number of years according with the disqualification would operate instead of using the term "two terms".

For orders

Reference para 45 supra

The adoption of the rule as at 'B' is more appropriate & desirable & may be adopted. The insertion of a definite number of years is unnecessary

To be resubmitted to the Secretary after 21/8/47

for orders

21/8/47

Municipalities Rules

58) Consequent amendments are necessary in respect of Rule 2 of the Rules relating to the Election of Vice Presidents of Town & Municipal Councils

vide notes at 257 ante

WD 0 288—GPB—15,000—6-1-47

60) If approved, this will also be done

(Minutes & Resolutions) 61) 25/8/47

OFFICE OF THE MINISTER FOR REVENUE
N - 2204
Dat 25-8-47

62) Draft notification please

63) Submitted with three draft notifications for approval. An endorsement to the Superintendent is also put up

28/8

64) Three draft notifications are put up

30/8

65) Please get the drafts neatly typed. Submit

1/9/47

66) 1 typewritten draft notification for three draft notifications

1/9/47

67) Submitted with 3 typed draft notifications and one endorsement to the party

2/9

68) Draft appointment letter

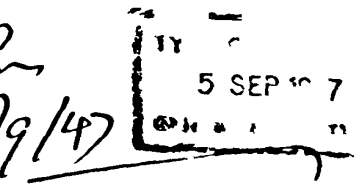
please 2/9 send up

3/9/47

5/9/47

9946
MY

Issue all the
four drafts
for
5/9/47



SL 48) To M S Deviah, Seringapatam
No. L 9251/ml 40-47-48 D) 12-9-47
orders the removal of disqualification
on M S Deviah
L 9252 D) 12-9-47
Copy to the D C Mandya &

SL 49) To the Compiler, Mysore Gazette.
L 9253/ml 40-47-49 D) 12-9-47
Whips Amendment of the rules for the
Regulation of the election of the
Vice Presidents to the Minor Municipal
Councils

SL 50) To the Compiler, Mysore Gazette
L 9254/ml 40-47-50 D) 12-9-47
Whips the Amendment of rules for regulating the election
of Presidents of Town & Minor Municipal
Councils

SL 51) To the Compiler, Mysore Gazette
L 9255/ml 40-47-51 D) 12-9-47
Whips the Amendment of rules Regulating the elections of
the Vice Presidents of Town Municipal
Councils

✓ B
-47 11-47

D

Extract from the proceedings of the meeting of the standing Committee for Local Self Government and departments of Medicine, Public Health and Sanitation held at 2-00 P.M. on the 2nd May 1946 in the Chambers of the Minister for Education and Public Health

xx xx

Subject	Resolution
Petition dated 11-4-1944 from Mr S Sevlah, Tamil Folk, Negapatam, requesting the removal of the disqualification preventing him from standing for election as vice-president of the municipality as laid down in Rule 1 A of the rules relating to the election of the presidents and vice presidents of town and minor municipalities	It was resolved that the rules relating to the subject be so amended as to enable such persons standing for election as president or vice-president of the municipality concerned, after the two consecutive terms of the municipal council, of which he may have been a member at the time of such reconstitution

Extract

Mr Rogers pl work up further

4/5/46

Withdrawal of the disqualification of a member from standing as a candidate for Presidentship or Vice-Presidentship

Rule No. (1A) (i) & (ii) disqualifying a person from standing as a candidate for Presidentship or Vice-Presidentship of a Municip Council if he has at any time been removed from the said office for misconduct in the discharge of his duties or if he is otherwise disqualified was inserted in the rules relating to the election of Presidents and Vice-Presidents in the Town and Minor Municipalities as agreed to by the Standing Committee for L. S G & Public Health at their meeting held on 28-10-1931

Under Section 23 (ii) of the Town Municipalities Act, Mr C. Deviah, the Vice-President of the Seringapatam Town Municipality was ordered to be removed from the said Office in 1936 as per G O. Mx dated 27-4-1936 In the bye-election held on 16-12-1937, Mr. Deviah secured election and his election as Municipal Councillor was approved by the Government

Mr Deviah has prayed that the disqualification under the aforesaid rule may be removed so as to enable him to stand for election as President or Vice-President of a Municipality

No period during which the disability caused by the removal under section 23(ii) operates against the person specified has been mentioned therein It cannot be perhaps, be the intention of the Legislature that the disability should operate permanently even the disqualifications mentioned in sections 12 (1)(a) (i),(ii),(iii) (iv) and (v) of the Act would be automatically removed under the provisions of the statute after a particular period as specified in the section of the Town Municipalities Act

Having regard to the spirit of the legislature, it seems that the disability imposed by the removal of a member etc , as President or Vice-President for the Municipal Council under section 23 (ii) would operate only so long as the Municipal Council of which he was a member would be in existence and it would perhaps lapse with the term of that Municipal Council

In this view the operation of Rule 1(A)(i) framed for the election of Presidents and Vice-Presidents would be inequitable to apply it for all time Either a period during which the disability would operate may be fixed if the rule cannot altogether be deleted or the period may be limited to the term of the Municipal Council concerned

The rule requires to be modified suitably if Mr Deviah's request is to be conceded

Withdrawal of the disqualification of a member from standing as a candidate for Presidentship or Vice-Presidentship

Rule No. (1A) (i) & (ii) disqualifying a person from standing as a candidate for Presidentship or Vice-Presidentship of a Municip Council if he has at any time been removed from the said office for misconduct in the discharge of his duties or if he is otherwise disqualified was inserted in the rules relating to the election of Presidents and Vice-Presidents in the Town and Minor Municipalities as agreed to by the Standing Committee for L S G & Public Health at their meeting held on 28-10-1931

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V

Withdrawal of the disqualification of a member from standing as a candidate for Presidentship or Vice-Presidentship

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Rule No. (1A) (i) & (ii) disqualifying a person from standing as a candidate for Presidentship or Vice-Presidentship of a Municip. Council if he has at any time been removed from the said office for misconduct in the discharge of his duties or if he is otherwise disqualified was inserted in the rules relating to the election of Presidents and Vice-Presidents in the Town and Minor Municipalities as agreed to by the Standing Committee for L S G & Public Health at their meeting held on 23-10-1931

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Having regard to the spirit of the legislature, it seems that the disability imposed by the removal of a member etc , as President or Vice-President for the Municipal Council under section 23 (11) would operate only so long as the Municipal Council of which he was a member would be in existence and it would perhaps lapse with the term of that Municipal Council

In this view the operation of Rule 1(A)(1) framed for the election of Presidents and Vice-Presidents would be inequitable to apply it for all time Either a period during which the disability would operate may be fixed if the rule cannot altogether be deleted or the period may be limited to the term of the Municipal Council concerned ix

The rule requires to be modified suitably if Mr Deviah's reque is to be conceded

Withdrawal of the disqualification of a member from standing as a candidate for Presidentship or Vice-Presidentship

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Under Section 43 (11) of the Town Municipalities Act, Mr. D. Devlah, the Vice- President of the Beruwalapitiya Town Municipality was ordered to be removed from the said Office in 1936 as per G.O. Ex dated 27-4-1936 In the bye-election held on 16-12-1937, Mr. Devlah secured election and his election as Municipal Councillor was approved by the Government.

Mr Devlah has prayed that the disqualification under the aforesaid rule may be removed so as to enable him to stand for election as President or Vice-President of a Municipality

No period during which the disability caused by the removal under section 43(11) operates against the person specified has been mentioned therein I cannot be persuade, be the intention of this Legislature that the disability should operate permanently even the disqualifications mentioned in sections 12 (1)(a), (i),(ii),(iii) (iv) and (v) of the Act would be automatically removed under the provisions of the statute after a particular period as specified in the section of the Town Municipalities Act

Having regard to the spirit of the Legislature, it seems that the disability imposed by the removal of a member etc , as President or Vice- President for the Municipal Council under section 43 (11) would operate only so long as the Municipal Council of which he was a member would be an existence and it would perhaps be so with the term of that Municipal Council

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The rule requires to be modified suitably if Mr Devlah's request is to be conceded

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Withdrawal of the disqualification of a member from standing as a candidate for Presidentship or Vice-Presidentship

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Having regard to the spirit of the Legislature, it seems that the disability imposed by the removal of a member etc , as President or Vice-President for the Municipal Council under section 23 (ii) would operate only so long as the Municipal Council of which he was a member would be in existence and it would perhaps lapse with the term of that Municipal Council

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The rule requires to be modified suitably if Mr Deviah's request is to be conceded

V

Withdrawal of the disqualification of a member from standing as a candidate for Presidentship or Vice-Presidentship

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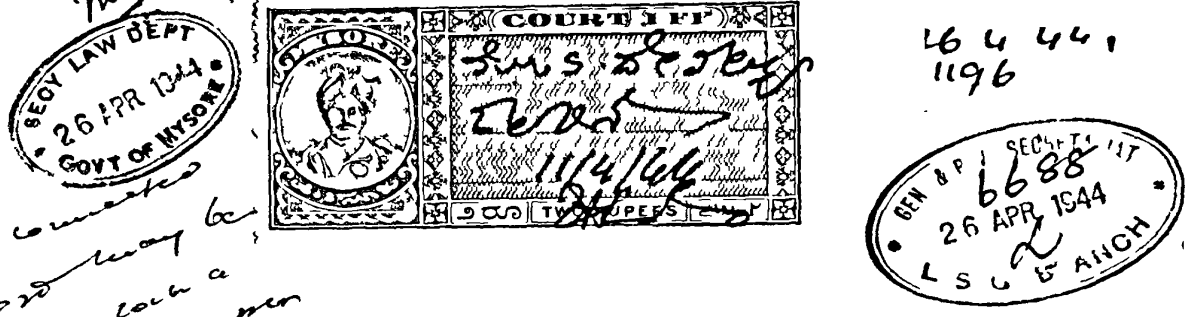

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE AT BANGALORE

Review Petn No of 1943-44

*****

Petitioner -

S Deviah, land holder,
Seringapatam

****

That your humble petitioner begs to prefer this application to revise the Government Order No L 6214-15/ML 117-35-6 dated 27th April 1936 ordering the removal of the petitioner from the Office of the Vice President, Seringapatam Town Municipal Council under Section 23(11) of the Town Municipalities Regulation for the following among other

Reasons

1 That since the rent recovered had been credited to the Taluk Treasury on the same day no temporary misappropriation was committed

2 That the petitioner was an Elected Vice President of the Serirgapatam Municipal Council since 1924-25 and the petitioner was discharging his duties to the entire satisfaction of the Council, Rate payers and during the tenure of

Office

Office effected many improvement works i e Light, Water Supply and Revisions of Mohabharpa and also effected the raise of the Municipal Revenues under various heads

3 The principal ground for the order appears to be what is stated in the last portion of para 3 of the Government order that for a receipt the petitioner has signed as Vice President that that amount has not been credited promptly But it was a purely personal transaction and the Vice-President under the petitioner's signature was more a mistake due to force of habit, the petitioner having been a Vice President continously for over 11 years

4 That anyhow, Section 23(11) could not really be construed to improve a permanent and life long ban on a person, considering even that disqualifications under Sections 12 and 14 which could be graver, are removed purely by efflux of time

5 That Rule 2 of the Election rules is therefore either really imposing a ban only for the particular council and not for all time, or that it is repugnant, as worded now to the Municipal Council Regulation in that it imposes an unqualified and permanent ban on a person from standing as a candidate

for

for election once his name has been removed under Section 23(11) which section does not contain any word to show that it contemplates such a permanent disability or bar

The petitioner, therefore humbly prays that both on merits and on the consideration that 7 years have now elapsed, the records may kindly be perused and that the Government be pleased to order the withdrawal of the disqualifications passed on the said Government order under Section 23 (11) Town Municipalities Regulation, and exempt (removing the Bar) the petitioner from Rule 2 of Election Rules of President and Vice Presidents of Town Municipal Councils

Bangalore City,
11th April 1944

Petitioner

Inam Inam No 47-48

MI 40-47-47

OFFICE OF THE MINISTER FOR REVENUE
No P 4121
Dat 13-6-47

Rec'd
Reference with order

To

The Minister for Town Municipalities,
Government of Mysore,
Bangalore

6888/9946
16 JUNE 1947
CRANCH

Respected Sir,

I beg to submit this 2nd application for your kind consideration and early favourable orders

I had given an application in the month of April 1944 (11th April 1944 copy of which is herewith enclosed) Though it is three years no orders have been passed

I request your honour to kindly consider my application and pass favourable orders

I beg to remain,
Respected Sir,
Yours faithfully,

12th June 1947

S Deviah,
Land Lord,
Seringapatam

orders have been passed in the
main file with reference by the route
for Rec'd Cases No replaced
in that file
An endorsement may be issued to
the Dasnak to the above effect

BEFORE THE GOVERNMENT OF HIS HIGHNESS THE

MAHARAJA OF MYSORE AT BANGALORE

Revision Petn No of 1943-44

*****

Petitioner -

S Deviah, land holder,
Seringapatam

**** *

That your humble petitioner begs to prefer this application to revise the Government Order No L 5214-15/AL 117-35-6 dated 27th April 1936 ordering the removal of the petitioner from the Office of the Vice President, Seringapatam Town Municipal Council under section 23(11) of the Town Municipalities Regulation for the following among other

Reasons

That since the rent recovered had been credited to the Taluk Treasury on the same day no temporary misappropriation was committed

2 That the petitioner was an Elected Vice President of the Seringapatam Municipal Council since 1924-25 and the petitioner was discharging his duties to the entire satisfaction of the Council, Rate Payers and during the tenure of

Office

Office effected many improvement works i e Light, Water Supply and Revisions of Mohabharpa and also effected the raise of the Municipal Revenues under various heads

3 The principal ground for the order appears to be what is stated in the last portion of para 3 of the Government Order that for a receipt, the petitioner has signed as Vice President that that amount has not been credited promptly But it was a purely personal transaction and the Vice-President under the petitioner's signature was more a mistake due to force of habit, the petitioner having been a Vice President continously for over 11 years

4 That anyhow, Section 23(11) could not really be construed to impose a permanent and life long ban on a person, considering even that disqualifications under Sections 12 and 14 which could be graver, are removed purely by efflux of time

5 That Rule 2 of the Election rules is therefore either really imposing a ban only for the particular council and not for all time, or that it is repugnant, as worded now, to the Municipal Council Regulation in that it imposes an unqualified and permanent ban on a person from standing as a candidate

for

9.1 9251 Jml 40 47-48

for election once his name has been removed under Section 23(11) which Section does not contain any word to show that it contemplates such a permanent disability or bar

The petitioner, therefore humbly prays that both on merits and on the consideration that 8 years have now elapsed, the records may kindly be perused and that the Government be pleased to order the withdrawal of the disqualifications passed on the said Government order under section 23 (11) Town Municipalities Regulation, and exempt the petitioner from Rule 2 of Election Rules of President and Vice Presidents of Town Municipal Councils

Bangalore City,
11th April 1944

Petitioner

No L 9257 /M1 40-47-48

dt 12/9/47

ENDORSEMENT

To

Mr S Deviah,
Landholder, Seringapatam, Mandya Dist

In reply to his petitions dated the 11th April 1944 and 12th June 1947 praying, in the circumstances stated, for the withdrawal of the disqualification placed on him in Government Order No L 8214-15/ M1 117-35-6 dated the 27th April 1936, Mr Deviah is informed that necessary orders amending the rules in question have been issued

By order,

Secretary to Government,
Revenue Department

Memo No L 9257 12/9/47

Copy of the foregoing is forwarded with compliments to the Deputy Commissioner, Mandya District, Mandya, for information

B O

for Revenue Secy

No L 9253 /M/ 40-47-49

dt 12/9/47

NOTIFICATION

In exercise of the powers vested in them by and under sections 10(4) and 106(2)(b) of the Mysore Minor Municipalities Act, 1933, as amended from time to time, Government direct that the following be inserted as a proviso to rule 2 of the rules issued under notification No L 8265/M1 245-34-2 dated the 22nd/29th May 1935, to regulate the elections of the Vice-Presidents of Minor Municipal Councils in the State ——

"Provided that the disqualification shall cease to operate after two consecutive terms of the Municipal Councils, of which he may have been a member at the time of his removal from the office "

By order,

5/9/47

Secretary to Government,
Revenue Department

To

The Compiler, Mysore Gazette, for publication in part IV of the gazette and to supply 100 spare copies to the Secretariat and 10 copies each to the Deputy Commissioners of Districts 300 copies may be made available for sale to the public in the Central Book Depot, Bangalore

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L9253|RL 40-47-49 General and Revenue Secretariat

Dated Bangalore 12th Sept. 194 7

NOTIFICATION

In exercise of the powers vested in them by and under sections 10(4 and 105(2)(b) of the Mysore Minor Municipalities Act, 1933, as amended from time to time, Government direct that the following be inserted as a proviso to rule 2 of the rules issued under notification No.L.2265/M1.245-31-3 dated the 22nd/23th May 1933, to regulate the elections of the Vice-Presidents of Minor Municipal Councils in the State:-

" Provided that the disqualification shall cease to operate after two consecutive terms of the Municipal Councils, of which he may have been a member at the time of his removal from the office"

By Order,

for SECRETARY TO GOVT. OF
REVENUE DEPARTMENT.

To

The Compiler, Mysore Gazette, for publication in part IV of the gazette and to supply 100 spare copies to the Secretariat and 10 copies xx each to the Deputy Commissioners of Districts. 300 copies may be made available for sale to the public in the Central Book Depot, Bangalore.

WL 9254 /M/ 40-47-50
27/12/9/47

12 copies
Please type
in 2 sets of 6 copies
each

NOTIFICATION

In exercise of the powers vested in them by and under Sections 23(2)(c) and 10(2)(c) of the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, respectively, as amended from time to time, Government direct that the following be inserted as a proviso to rule IA(i) of the rules issued in notification No L 3055/M1 207-29-1, dated the 26th November 1927 read with notification No L 3797/M1 134-31-1, dated the 19th November 1931 for regulating the election of Presidents of Town and Minor Municipal Councils in the State -

"Provided that the disqualification in sub-clause (i) shall cease to operate after two consecutive terms of the Municipal Council, of which he may have been a member at the time of his removal from the office

By order,

5/9/47

Secretary to Government,
Revenue Department

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L-9264/ML-40-47-50 General and Revenue Secretariat
Dated Bangalore 12th Septr. 194 7

NOTIFICATION

In exercise of the powers vested in them by and under Sections 23(2)(c) and 10(2)(c) of the Mysore Town Municipalities Act, 1933, and the Mysore Minor Municipalities Act, 1933, respectively, as amended from time to time, Government direct that the following be inserted as a proviso to rule IA(i) of the rules issued in Notification No.L.3055/Ml.207-27-1 dated 26th November 1927 read with notification No.L.3797/Ml.134-31-1, dated the 19th November 1931 for regulating the election of Presidents of Town and Minor Municipal Councils in the State:-

"Provided that the disqualification in sub-clause (i) shall cease to operate after two consecutive terms of the Municipal Council, of which he may have been a member at the time of his removal from the office".

By order,

for SECRETARY TO GOVT. OF KARNATAKA
LEGISLATIVE DEPARTMENT.

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No L 9255 /M/ 40 47-S1

29/12/1947

NOTIFICATION

In exercise of the powers vested in them by and under section 23(4) of the Mysore Town Municipalities Act, 1933, as amended from time to time, Government direct that the following be inserted as a proviso to rule 2 of the rules issued under notification No L 8264/M1 25-34-1, dated the 22nd/29th May 1935, to regulate the election of the Vice-Presidents of Town Municipalxxi Councils in the State

"Provided that the disqualification shall cease to operate after two consecutive terms of the Municipal Council, of which he may have been a member at the time of his removal from the office "

By order,

29/12/47

Secretary to Government,
Revenue Department

To

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GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE

No L92-55/ML-40-47-51 General and Revenue Secretariat

Dated Bangalore 12th Sep-tr. 194 7

NOTIFICATION

In exercise of the powers vested in them by and under section 23(4) of the Mysore Town Municipalities Act, 1933, as amended from time to time, Government direct that the following be inserted as a proviso to rule 2 of the rules issued under Notification No.L.2234/ML.25-34-1, dated the 22nd/29th May 1933, to regulate the elections of the Vice-Presidents of Town Municipal Councils in the State:-

" Provided that the disqualification shall cease to operate after two consecutive terms of the Municipal Council, of which he may have been a member at the time of his removal from the office."

By Order,

SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT.

To

The Compiler, Mysore Gazette, for publication in part IV of the gazette and to supply 100 spare copies to the Secretariat and 10 copies each to the Deputy Commissioner of Districts.

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